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**UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

CURTISA ULMER,

Plaintiff,

v.

UNITED RECOVERY SYSTEMS,

Defendant.

NO.

PLAINTIFF'S COMPLAINT AND
DEMAND FOR JURY TRIAL
(Unlawful Debt Collection Practices)

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

CURTISA ULMER (Plaintiff), by her attorneys, KROHN & MOSS, LTD., alleges the following against UNITED RECOVERY SYSTEMS (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant is located in the State of Texas, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1391(b)(1)*.

PARTIES

5. Plaintiff is a natural person residing in Seattle, Washington.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.

1 7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to
2 collect a consumer debt from Plaintiff.

3 8. Defendant is a national corporation with an office in Houston, Texas.

4 9. Defendant acted through its agents, employees, officers, members, directors, heirs,
5 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
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7 **FACTUAL ALLEGATIONS**

8 10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged
9 consumer debt.

10 11. Defendant calls Plaintiff on her work telephone number, at 206-326-3275.

11 12. Defendant calls Plaintiff from telephone number 800-949-3205.

12 13. During the week of January 3, 2011, Plaintiff informed Defendant that she is not allowed to
13 receive personal telephone calls at work and offered to give Defendant her cellular
14 telephone number for Defendant to call and discuss the alleged debt.
15

16 14. Defendant informed Plaintiff that it would continue to call her on her work telephone
17 number as it is the number they have on file.

18 15. Defendant calls Plaintiff at her place of employment despite being told that Plaintiff is not
19 allowed to receive personal telephone calls at work.
20

21 16. Defendant calls Plaintiff and asks her to call back at 888-593-8405.

22 17. Defendant calls Plaintiff and fails to disclose that the call is from a debt collector.

23 **COUNT I**
24 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**
25 **(FDCPA), 15 U.S.C. § 1692 et seq.**

26 18. Defendant violated the FDCPA based on the following:
27
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- a. Defendant violated §1692c(a)(3) of the FDCPA by repeatedly contacting Plaintiff at her place of employment even though Defendant knows that Plaintiff's employer prohibits the consumer from receiving such communications.
- b. Defendant violated §1692c(b) of the FDCPA by communicating with Plaintiff's co-worker in connection with the collection of Plaintiff's debt.
- c. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- d. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- e. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure of the caller's identity because Defendant does not state that the call is from MRS Associates.
- f. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure of the caller's identity because Defendant does not state that the call is from a debt collector.
- g. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means in an attempt to collect the alleged debt because Defendant refuses to contact Plaintiff on her cellular telephone number, and informed her that it would continue to call her at work.
- h. Defendant violated §1692e(10) of the FDCPA by engaging in deceptive means in an attempt to collect the alleged debt because Defendant fails to state the call is from a

1 debt collector.

2 **WHEREFORE**, Plaintiff respectfully pray that judgment be entered against the Defendant
3 for the following:

4 19. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

5 20. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15*

6 *U.S.C. 1692k*

7 21. Any other relief that this Honorable Court deems appropriate.
8

9 RESPECTFULLY SUBMITTED,

10 DATED: March 18, 2011

11 By: /s/ Robert C. Montgomery
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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF WASHINGTON

Plaintiff, CURTISA ULMER, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, CURTISA ULMER hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

2/4/11

Date


CURTISA ULMER